

AMENDED**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**Date of filing in State Engineer's Office OCT 16 2001Returned to applicant for correction NOV 14 2001Corrected application filed NOV 27 2001Map filed NOV 27 2001 under 68101

The applicant **Falcon Capital, LLC, a Wyoming limited liability company** hereby makes application for permission to change the **Point of Diversion and Place of Use of a Portion of water heretofore appropriated under Permit 23287, Certificate 8078**

1. The source of water is **Underground**
2. The amount of water to be changed **0.4676 cfs, not to exceed 289.28 acre-feet**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Irrigation**
5. The water is to be diverted at the following point **NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T.17N., R.19E., M.D.B.&M., or at a point from which the NE corner of said Section 34 bears N. 55° 12' 00" E., a distance of 570.0 feet.**
6. The existing permitted point of diversion is located within **NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, T.16N., R.19E., M.D.B.&M., or at a point from which the E $\frac{1}{4}$ corner of said Section 22 bears N. 30° 15' 00" E., a distance of 1,175.0 feet.**
7. Proposed place of use **See Attachment "A"**
8. Existing place of use **See Attachment "B"**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **Drilled and cased well equipped with a pump, motor, meter and distribution system.**
12. Estimated cost of works **\$75,000.00**
13. Estimated time required to construct works **Three (3) Years**
14. Estimated time required to complete the application of water to beneficial use **Six (6) Years**
15. Remarks: **Quantity of water being changed by this Application includes portion from withdrawn Permit 60571.**

By **Gregory M. Bilyeu**
s/ **Gregory M. Bilyeu**
500 Damonte Ranch Parkway, Suite 1056
Reno, NV 89511

Compared cm/cmf 1b/

Protested _____

68113

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of an underground source as heretofore granted under Permit 23287, Certificate 8078 is issued subject to the terms and conditions imposed in said Permit 23287, Certificate 8078 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

The total combined duty of water under Permits 68111, 68112, 68113, 68114, 68115 and 68116 and any water from Ophir Creek, Davis Creek and Winters Creek, shall not exceed 4.0 acre-feet per acre for the irrigation of 148.83 acres within the described place of use. The surface waters must be used in their entirety before any groundwater can be pumped from the wells to complete the allocated duty of acre-feet per acre.

The total combined duty of water under Permits 68111, 68112, 68113, 68114, 68115 and 68116 shall not exceed 595.32 acre-feet annually.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

Measuring devices must be installed, maintained and measured of all water diversions from Ophir, Davis and Winter Creeks and reported to the State Engineer within 15 days after the end of each calendar quarter.

That portion of the diversion rate, being 0.0748 cubic feet per second, not requested upon application is herewith abrogated with the issuance of this permit.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.4676 cubic feet per second, or 289.28 acre-feet annually, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

November 4, 2005

Proof of completion of work shall be filed on or before:

December 4, 2005

Water must be placed to beneficial use on or before:

November 4, 2008

Proof of the application of water to beneficial use shall be filed on or before:

December 4, 2008

Map in support of proof of beneficial use shall be filed on or before:

December 4, 2008

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 4th day of November, A.D. 2003



State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

Abrogated By: p 75138 0.04

ATTACHMENT "A"
PROPOSED PLACE OF USE

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SECTION	SUBDIVISION	TOWNSHIP	RANGE
2	POR. NW NW	T.16N.	R.19E.
2	POR. SW NW	T.16N.	R.19E.
3	NE NE	T.16N.	R.19E.
3	POR. SE NE	T.16N.	R.19E.
3	POR. SW NE	T.16N.	R.19E.
3	NW NE	T.16N.	R.19E.
3	POR. NE NW	T.16N.	R.19E.
3	POR. SE NW	T.16N.	R.19E.
23	POR. SE SE	T.17N.	R.19E.
24	POR. NW SW	T.17N.	R.19E.
24	POR. NE SW	T.17N.	R.19E.
24	POR. SE SW	T.17N.	R.19E.
24	SW SW	T.17N.	R.19E.
25	NW NW	T.17N.	R.19E.
25	POR. NE NW	T.17N.	R.19E.
25	POR. SE NW	T.17N.	R.19E.
25	SW NW	T.17N.	R.19E.
25	POR. NW SW	T.17N.	R.19E.
25	POR. NE SW	T.17N.	R.19E.
26	POR. NW NE	T.17N.	R.19E.
26	POR. NE NE	T.17N.	R.19E.
26	SE NE	T.17N.	R.19E.
26	SW NE	T.17N.	R.19E.
26	POR. SW NW	T.17N.	R.19E.
26	POR. SE NW	T.17N.	R.19E.
26	POR. NE NW	T.17N.	R.19E.
26	NW SE	T.17N.	R.19E.
26	POR. NE SE	T.17N.	R.19E.
26	POR. SE SE	T.17N.	R.19E.
26	POR. SW SE	T.17N.	R.19E.
26	NE SW	T.17N.	R.19E.
26	SE SW	T.17N.	R.19E.
26	POR. SW SW	T.17N.	R.19E.
26	POR. NW SW	T.17N.	R.19E.
27	POR. SE SE	T.17N.	R.19E.
34	POR. NE NE	T.17N.	R.19E.
34	POR. SE NE	T.17N.	R.19E.
34	POR. SE SE	T.17N.	R.19E.
34	POR. SW SE	T.17N.	R.19E.
35	POR. NW NW	T.17N.	R.19E.
35	NE NW	T.17N.	R.19E.
35	SE NW	T.17N.	R.19E.
35	POR. SW NW	T.17N.	R.19E.
35	POR. NW SW	T.17N.	R.19E.
35	NE SW	T.17N.	R.19E.
35	SE SW	T.17N.	R.19E.
35	POR. SW SW	T.17N.	R.19E.
35	POR. NW NE	T.17N.	R.19E.
35	POR. SW NE	T.17N.	R.19E.
35	POR. NW SE	T.17N.	R.19E.
35	POR. SW SE	T.17N.	R.19E.

ENCLOSURE (1)

ATTACHMENT "A"

Amended Proposed Place of Use – Applications 68111-68116

Portion of the NW ¼ SW ¼, Section 25, T.17N., R.19E., M.D.B. & M.
Portion of the NE ¼ SW ¼, Section 25, T.17N., R.19E., M.D.B. & M.

Portion of the SW ¼ SW ¼ East of U.S. 395, Section 26, T.17N., R.19E., M.D.B. & M.
Portion of the NW ¼ SW ¼, East of U.S. 395, Section 26, T.17N., R.19E., M.D.B. & M.
All of the NE ¼ SW ¼, Section 26, T.17N., R.19E., M.D.B. & M.
All of the SE ¼ SW ¼, Section 26, T.17N., R.19E., M.D.B. & M.

Portion of the SW ¼ SE ¼, Section 26, T.17N., R.19E., M.D.B. & M.
All of the NW ¼ SE ¼, Section 26, T.17N., R.19E., M.D.B. & M.
Portion of the NE ¼ SE ¼, Section 26, T.17N., R.19E., M.D.B. & M.
Portion of the SE ¼ SE ¼, Section 26, T.17N., R.19E., M.D.B. & M.

Portion of the SE ¼ NE ¼, Section 34, T.17N., R.19E., M.D.B. & M.

Portion of the SW ¼ NW ¼, Section 35, T.17N., R.19E., M.D.B. & M.
Portion of the NW ¼ NW ¼ East of U.S. 395, Section 35, T.17N., R.19E., M.D.B. & M.
All of NE ¼ NW ¼, Section 35, T.17N., R.19E., M.D.B. & M.
All of SE ¼ NW ¼, Section 35, T.17N., R.19E., M.D.B. & M.

Portion of the SW ¼ SW ¼ East of U.S. 395, Section 35, T.17N., R.19E., M.D.B. & M.
Portion of the NW ¼ SW ¼ East of U.S. 395, Section 35, T.17N., R.19E., M.D.B. & M.
All of NE ¼ SW ¼, Section 35, T.17N., R.19E., M.D.B. & M.
All of SE ¼ SW ¼, Section 35, T.17N., R.19E., M.D.B. & M.

Portion of the SW ¼ SE ¼, Section 35, T.17N., R.19E., M.D.B. & M.
Portion of the NW ¼ SE ¼, Section 35, T.17N., R.19E., M.D.B. & M.

Portion of the SW ¼ NE ¼, Section 35, T.17N., R.19E., M.D.B. & M.
Portion of the NW ¼ NE ¼, Section 35, T.17N., R.19E., M.D.B. & M.

Place of use is limited to those lands irrigated by portions of Proofs 02441 (Ophir Creek), 02754 (Davis Creek) and 02756 (Winters Creek).

ENCLOSURE (2)

8. Existing Place of Use - Permit 23287

Acres	Quarter	Quarter	Section	Twnshp	Range
16.0	NE	NE	22	16N	19E
21.0	SE	NE	22	16N	19E
6.0	NE	SE	22	16N	19E
34.0	NE	NE	23	16N	19E
34.0	NW	NE	23	16N	19E
33.0	NE	NW	23	16N	19E
34.0	NW	NW	23	16N	19E
36.0	SW	NW	23	16N	19E
4.0	NE	SW	23	16N	19E
14.0	NW	SW	23	16N	19E
232.0			TOTAL ACREAGE		

Acreage being removed under this application.

Acres	Quarter	Quarter	Section	Twnshp	Range
7.34	NE	NE	22	16N	19E
14.45	SE	NE	22	16N	19E
3.28	NE	SE	22	16N	19E
Ø	NE	NE	23	16N	19E
Ø	NW	NE	23	16N	19E
1.14	NE	NW	23	16N	19E
15.73	NW	NW	23	16N	19E
23.23	SW	NW	23	16N	19E
Ø	NE	SW	23	16N	19E
7.15	NW	SW	23	16N	19E
72.32			TOTAL ACREAGE		

Note: This application strips the balance of the water rights under Permit 23287 from the original place of use. Acreage being stripped also includes acreage under withdrawn Permit 605771 (1.14 acres) DWR summary of ownership dated 4/13/01 does not include acreage stripped by Permit 61724 (Washe County). Use map filed under Permit 23287 to illustrate the existing point of diversion.